

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Nationwide Number Portability	)	WC Docket No. 17-244
	)	
Numbering Policies for Modern Communications	)	WC Docket No. 13-97

**COMMENTS OF INCOMPAS**

INCOMPAS, by its undersigned counsel, submits these comments in response to the Federal Communications Commission’s (“Commission” or “FCC”) *Notice of Proposed Rulemaking and Notice of Inquiry* seeking comment on approaches for implementing nationwide number portability and promoting competition between service providers.<sup>1</sup>

INCOMPAS, the Internet and competitive networks association, represents small- and mid-sized competitive local exchange carriers and new entrants, including interconnected Voice over Internet Protocol (“VoIP”) providers, which provide communications services to residential and enterprise customers in urban, suburban, and rural areas. With both nationwide and regional voice service providers as members, INCOMPAS can attest to the competitive disadvantage that non-nationwide carriers experience due to their inability to provide customers with non-geographic number portability. Given the inherent benefits to consumers of being able to keep their telephone numbers when changing service providers, there is broad support for the Commission’s proposals amongst our members.

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<sup>1</sup> *Nationwide Number Portability, Numbering Policies for Modern Communications*, WC Docket No. 17-244, WC Docket No. 13-97, Notice of Proposed Rulemaking and Notice of Inquiry, FCC 17-133 (rel. Oct. 26, 2017) (“NPRM” or “NOI”).

INCOMPAS supports the Commission's efforts to deploy a framework for nationwide number portability ("NNP") and to eliminate query and interexchange dialing parity requirements in order to "level the playing field for many rural and regional carriers."<sup>2</sup> In order to be successful with CLECs and new entrants, the Commission's transition to nationwide number portability ("NNP") must be competitively neutral and ensure that carriers do not incur prohibitive costs. The Commission's NPRM proposals appear to meet this competitive baseline. Additionally, our members recommend that the Commission investigate the use of nationwide implementation of location routing numbers ("LRNs") or non-Geographic LRNs as potential models for the NNP.

**I. ELIMINATION OF THE N-1 QUERY AND INTEREXCHANGE DIALING PARITY REQUIREMENTS REPRESENTS A NECESSARY MODERNIZATION OF NUMBERING POLICIES.**

INCOMPAS supports the Commission's efforts to implement nationwide number portability and to "accommodate the architectures" of the various proposals that would allow regional carriers and new entrants to offer this ability to their customers. In particular, INCOMPAS agrees with the conclusion reached by the Commission in the NPRM that eliminating the N-1 query requirement and remaining interexchange dialing parity requirements will represent a necessary first step towards meeting this eventual goal. Because our members are concerned about the practical harms and significant costs that may be associated with this transition to complete number portability, INCOMPAS appreciates the Commission's willingness to take an incremental approach that will deliver long-overdue modernization of the nation's numbering policies without burdening small and mid-sized providers.

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<sup>2</sup> NPRM at ¶ 19.

With respect to the agency's proposal on N-1 query requirements, the Commission seeks comment on whether or not eliminating these requirements will impede plans for NNP and if this proposal would interfere with any aspects of the current routing or number portability querying system.<sup>3</sup> Our members indicate that eliminating the N-1 requirement will not impact their ability to meet their current obligations to customers and other providers. In the current environment, originating carriers no longer view performing a query of the Number Portability Administration Center / Service Management System ("NPAC/SMS") as cost prohibitive and note that the freedom to conduct their own query may allow them to eliminate the routing inefficiencies identified by the Commission in the NPRM.<sup>4</sup> These members have indicated that removing this requirement may even present increased opportunities to serve customers that outweigh any potential cost concerns.

Additionally, INCOMPAS agrees with the Alliance for Telecommunications Industry Solutions' ("ATIS") findings from its own *Technical Report* on nationwide number portability that the Commission should not supplant the N-1 requirement with a new requirement that originating carriers query the NPAC/SMS.<sup>5</sup> While some originating carriers may elect to conduct their own queries of the NPAC/SMS, providers should be free to decide the best means by which to route calls to the appropriate number. Although some providers may find that it is less expensive to dip originating calls than to have another carrier do it, that may not be the case

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<sup>3</sup> See NPRM at ¶¶ 20, 22.

<sup>4</sup> See NPRM at ¶ 15 (describing how in a nationwide number portability environment intraLATA calls may look like interLATA calls to an originating carrier requiring unnecessary routing to an interexchange carrier).

<sup>5</sup> See NPRM at ¶ 23 (citing Alliance for Telecomm. Indus. Sols., *ATIS Standard – ATIS-1000071, Technical Report on a Nationwide Number Portability Study*, Technical Report (2016), at 23 ("ATIS Report")).

for all providers and the Commission should not impose new requirements that stymie efforts to achieve complete number portability.

Finally, INCOMPAS appreciates the Commission's willingness to level the playing field for CLECs by eliminating the dialing parity provisions of section 251(b)(3) of the Communications Act of 1934 as they apply to interexchange access services.<sup>6</sup> As indicated, the Commission chose to forbear from the application of these requirements to incumbent local exchange carriers ("ILECs") in the *2015 USTelecom Forbearance Order* following recognition of fundamental changes to the stand-alone long-distance market.<sup>7</sup> Because LATA boundaries are of reduced relevance to competitive providers, INCOMPAS urges the Commission to remove these constraints from CLECs under the same rationale that it applied to ILECs in 2015: that the predominance of all-distance service "has limited the relevance and utility of certain equal access obligations for competitive providers and their customers."<sup>8</sup> Should the Commission choose to forbear from the long-distance dialing provisions for both incumbent and competitive LECs, INCOMPAS would support the Commission's proposal to rescind the toll dialing parity provisions of section 251(b)(3).<sup>9</sup>

## **II. THE COMMISSION SHOULD CONSIDER NATIONWIDE IMPLEMENTATION OF LRNs OR NON-GEOGRAPHIC LRNs AS POTENTIAL NNP MODELS.**

Given the recent emphasis on *intramodal* portability, INCOMPAS is encouraged by the Commission's interest in exploring "broader, intermodal NNP efforts" that "will benefit

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<sup>6</sup> 47 U.S.C. § 251(b)(3).

<sup>7</sup> See *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next Generation Networks et al.*, Memorandum Opinion and Order 31 FCC Rcd 6157, 6184-85, para. 49 (2015).

<sup>8</sup> NPRM at ¶ 17.

<sup>9</sup> NPRM at ¶¶ 35-36.

consumers and competition.”<sup>10</sup> INCOMPAS agrees that “collaboration, and support by all parties involved” is necessary to achieve the Commission’s stated goals in this proceeding and several of our members will be active participants in the North American Numbering Council’s (“NANC”) working group on the deployment of nationwide number portability.<sup>11</sup> With the assistance and knowledge of these providers, the Commission will be well-positioned to expeditiously move toward NNP in a manner that preserves competitive neutrality and without “significant practical harms or prohibitive costs” for competitors.<sup>12</sup>

Based on an examination of the NNP alternatives outlined by ATIS in its *Technical Report*, INCOMPAS believes the Commission should further investigate the potential costs, benefits, and barriers to implementation of models (1) nationwide implementation of LRNs and (2) non-Geographic LRNs (NGLRNs). Our members note that while these two alternatives, given their initial descriptions, are most likely to be preferred amongst industry, and particularly CLECs, it is important that the Commission follow the same path it did for the successful transition to local number portability in which the agency selected a preferred standard and then required providers to adopt it. Requiring a single nationwide number portability standard will avoid additional complexity that might derail the process and ensure that the entire industry avoids a situation in which a set of providers is competitively disadvantaged.

INCOMPAS views ATIS model (3)—commercial agreements—as only a stop-gap measure that would be viable if industry is incapable of making an immediate transition to nationwide number portability. A major concern of CLECs in this transition is finding a solution

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<sup>10</sup> NPRM at ¶ 38.

<sup>11</sup> NPRM at ¶ 19.

<sup>12</sup> NPRM at ¶ 19.

that respects the legacy components of TDM networks. INCOMPAS members continue to operate networks with legacy TDM switches and the commercial agreements model may be the best temporary option for bridging the gap between TDM and IP networks and ensuring routing and queries for number portability. However, the potential benefits of this approach may be outweighed by the competitive imbalance presented by the market power of some third parties providing interconnection points and delivering calls from outside of a LATA. Under the commercial agreement approach, the role of the third party provider is likely to be filled by larger providers capable of leveraging higher rates for this service from smaller carriers that have been unable to implement NNP. Should the Commission consider this approach, even on a temporary basis, it must obligate providers serving as third parties to provide interconnection and routing services at reasonable rates that will allow smaller providers to implement NNP without being cost prohibitive.

As to model (4)—GR-2982-CORE (“CORE”)—there is concern that the proposal to divide the country into Geographic Unit Building Blocks may unnecessarily delay the Commission’s goal of complete portability. ATIS has also questioned whether or not implementation of this model is “feasible due to the number of manufacture discontinued platforms on which such development is not available (or sensible).”<sup>13</sup>

Finally, INCOMPAS endorses ATIS’s technical analysis of the considerations required to minimize the impact of nationwide number portability on regulatory related services such as emergency services (Enhanced 9-1-1 and Next Generation 9-1-1) and emergency telecommunications service.<sup>14</sup> In the Technical Report, ATIS examines how transitional

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<sup>13</sup> ATIS Report at 39.

<sup>14</sup> See *generally* ATIS Report at 27-39.

architectures with support for interconnection of next generation emergency services networks will preserve the efficacy of the current emergency service networks. After reviewing the information, our members assert that ATIS's proposals to address the potential impact on 9-1-1 services are adequate to ensure that the Commission's proposal to institute nationwide number portability will have no appreciable impact on the public.

### **III. CONCLUSION**

For the reasons stated herein, INCOMPAS supports the Commission's "incremental approach" to deployment of nationwide number portability. These proposals will modernize the numbering administration and help regional carriers and new entrants meet their customers' desire to keep their telephone numbers. Additionally, INCOMPAS encourages the Commission to investigate nationwide implementation of LRNs and non-Geographic LRNs as potential models for a broader, intermodal nationwide number portability effort.

Respectfully submitted,

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